

September 11, 2017

Dear Supervisors,

I want to thank you for working to provide clarity to the requirements for Accessory Dwelling Units (ADU's). During my term as the 2017 President of the Santa Barbara Association of REALTORS®, I have received, by far, more questions regarding the implementation of ADU's than any other topic of discussion.

As you know, the State Legislature has mandated that local jurisdictions must allow ADU's and that the process for doing so must be simplified. As you work through the recommendations, please keep in mind the spirit of the law—the intent--that the process be simplified for homeowners. The law requires a ministerial and not discretionary review process.

Santa Barbara County has a housing crisis. There is a lack of affordable rental housing. We, and others, pointed out that the high cost of rent issue is really one of supply and demand rather than one of needing increased regulation. Please realize that the State Legislature has given you a gift toward helping the renters in Santa Barbara by enacting this ADU legislation.

We would like to offer a couple of suggestions for changes in the draft ordinance:

1. The recommendation in front of you allows ADU's only limited zones. Let's look at that. The "Accessory Dwelling Unit Memorandum" from the California Department of Housing and Community Development states: "The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California." We strongly recommend that a residential property located in any property zoning that allows for residential use be allowed to have an Accessory Dwelling unit.
2. Limiting the maximum "living area" of the ADU's to 400 sq. ft. in lots under 10,000 square feet could be considered "burdensome on the creation of ADU's". The ADU Memorandum from HCD states: "Typical maximum unit sizes range from 800 square feet to 1,200 square feet," and "ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs." Less than 800 square feet is outside of the State's recommended range and we recommend that you look at increasing the maximum size allowed, so as to not create an ordinance that could be challenged as "burdensome on the creation of ADU's." We recommend that the maximum unit size be set at 800 square feet for homes on lots up to 10,000 square feet and then use 8% of lot area; not to exceed 1200 square feet for properties over 10,000 square feet.

3. There should be no excluded areas. The state law covers all neighborhoods. Excluding one specific neighborhood, Mission Canyon, is inconsistent with the law.
4. Junior ADU's (JADU's) "offer the simplest and most affordable housing option." They would count toward the housing element numbers and would fill the niche between roommates and full separate tenancy. Although they are not mandated by the State, we recommend inclusion of JADU's in the proposed ordinance.
5. Design and Historic Landmarks reviews, as proposed, are inconsistent with the intent of the law.
6. We recommend that ADU permits be exempted from Land Use Permit requirements that otherwise include a *discretionary* appeal process, which would conflict with state law.

In summary, we realize that it is important for you to interpret and clarify the exact wording of the proposed ordinance. However, as you do, please keep in the forefront of your thoughts, the intent of the state legislation to make the process as easy and inexpensive for homeowners as possible, which in the long run will give the community the maximum benefit possible.

ADU's will help Santa Barbara County ease the Housing Crisis and meet its Regional Housing Need Allocation. It should encourage owners who have illegal rental units to legalize them, which results in the County's ability to make sure they are code compliant and gain additional property tax revenue. It's a true win, win.

For at least 30 years, members of our community have been meeting to discuss housing affordability. Accessory Dwelling Units are perhaps the very best solution to ever come forward. Please embrace them. Help homeowners be able to utilize them. Please realize that just because the state law allows you to make this ordinance more restrictive in some areas, doesn't mean you should. The Santa Barbara Association of REALTORS® appreciates your efforts as you refine this ordinance to make sure that it is reasonable, fair, and most importantly simple and inexpensive for homeowners. Thank you.



David Kim, President